THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19228 of 2003

Date: 25.07.2007

Between:

Mohammed Mustafa

....Petitioner

and

Regional Passport Office.

....Respondent

O R D E R:

The petitioner submitted an application to the respondent for issuance of passport. The respondent forwarded the same to the local police for verification. On finding that a criminal case is pending against the petitioner, a communication, dated 25.07.2003, was forwarded to him. Thereupon, the petitioner submitted a representation, dated 14.08.2003, stating that he did not commit any crime and the one pending against him is in relation to the collapse of a tank constructed by him. The petitioner challenges the action of the respondent in not issuing the passport.

The respondent filed a counter-affidavit stating that the verification into the antecedents of the petitioner revealed that a case in Crime No.57 of 2001 of P.S. Tadikonda, Guntur District under Sections 337 and 304-A I.P.C. was pending. It is also stated that in reply to the show cause notice issued by the respondent, the petitioner endorsed 'no comments'.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

A citizen can be issued passport only when no criminal cases are pending against him. Admittedly, a criminal case was

pending against the petitioner by the time the application was made. Unless the case was decided in his favour, the petitioner cannot compel the respondent to issue passport.

Therefore, the writ petition is disposed of, directing that as and when the petitioner is acquitted of the offence alleged against him, it shall be open to him to make a fresh application and in such an event, the application can be considered on its own merits in accordance with law. There shall be no order as to costs.

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25.07.2007

kdl